



**Losiang'ura v Republic (Miscellaneous Criminal Application
E015 of 2024) [2025] KEHC 4193 (KLR) (2 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4193 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
MISCELLANEOUS CRIMINAL APPLICATION E015 OF 2024**

RPV WENDOH, J

APRIL 2, 2025

BETWEEN

WILLIAM LOSIANG'URA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant herein is William Losiang'ura. He has filed a Notice of Motion seeking review of his sentence to include the time he had spent in remand before sentence. He relies on Section 333(2) of the *Criminal Procedure Code*.
2. The Prosecution Counsel opposed the application for the reason that the applicant was convicted by this court and therefore this court has no jurisdiction to review its decision. He urged the applicant to seek redress from the Court of Appeal if he is aggrieved. He claimed to have appealed in Court of Appeal 68/2019 but that the court dismissed it and referred him back to this court. He has no evidence of the said decision.
3. I have looked at the court record. The applicant was convicted for the offence of Murder contrary to section 203 as read with Section 204 of the *Penal Code* and sentenced to fifteen (15) years imprisonment by Justice Sitati on 27/11/2019.
4. I further note that indeed the applicant filed an appeal to Court of Appeal in Criminal Appeal 68 /2020, William Losiangura v Republic. The appeal was dismissed on 20/12/2024. One of the grounds of appeal was that the court did not consider Section 333(1) of the *Criminal Procedure Code*. The Court of Appeal held at paragraph 8, "We will therefore make an order that the period of eight months spent by the appellant prior to his sentencing be taken into account by the Prison authorities when computing the appellant's days in prison"
5. What the applicant seeks, has already been taken into account by the Court of Appeal.



6. This court having convicted him, the applicant cannot come back to court for redress. The application is unmerited and is hereby dismissed.

Filed closed.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 2ND DAY OF APRIL, 2025

R. WENDOH.

JUDGE.

Ruling delivered in Open Court in the presence of; -

Mr. Majale for the State /Prosecution Counsel

Applicant – present

Juma/Hellen - Court Assistants

